

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1751.01</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Jane Taylor-Holmes</b>
<b>DATE OF COMPLAINT:</b>	<b>May 14, 2001</b>
<b>DATE OF REPORT:</b>	<b>June 13, 2001</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>no</b>
<b>DATE OF CLOSURE:</b>	<b>September 5, 2001</b>

**COMPLAINT ISSUES:**

Whether the DeKalb County Consolidated United School District and the Northeast Indiana Special Education Cooperative violated:

\*511 IAC 7-10-3(g) with regard to the school's alleged failure to conduct a comprehensive educational evaluation before determining the student is eligible for special education and related services.

\*511 IAC 7-12-1(e)(2) and (7) with regard to the school's alleged failure to include in the case conference committee (the "CCC") meeting one or more of the student's current teachers or, for a new student, a teacher licensed in the area of the suspected disability; and at least one member of the multidisciplinary evaluation team or some other person knowledgeable about the evaluation procedures used and familiar with the evaluation results if the student was evaluated for the first time.

\*511 IAC 7-11-7(b) and (d) with regard to the school's alleged failure to ensure that all the criteria for determining the student's eligibility as a student with a learning disability was considered by the CCC.

\*511 IAC 7-11-7(e) with regard to the school's alleged failure to ensure that a written report of the results of the multidisciplinary evaluation team was presented to the CCC and included the requisite information.

\* The original citations for these issues were from the current version of Article 7. Based on the dates of the alleged violations, the citations were changed to the version of Article 7 in effect prior to June 21, 2000.

During the course of the investigation, an additional issue was identified which is:

Whether the DeKalb County Consolidated School District and the Northeast Indiana Special Education Cooperative violated:

511 IAC 7-10-3(e) with regard to the school's alleged failure to conduct the student's educational evaluation and convene the case conference committee meeting within 40 instructional days of the parent's request.

## FINDINGS OF FACT:

1. The student (the "Student") is eight years old and has completed the second grade at the School during the 2000-01 school year. The Student is eligible for special education and related services as a student with a mild mental handicap ("MiMH").
2. Sometime at the beginning of the 1999-2000 school year the Student's classroom teacher (the "Teacher") completed a *Referral to Teacher Assistance Team* form, which is part of the School's general education intervention ("GEI") procedures. There is no date included on the form.
3. The GEI team met on October 26, 1999, and a *Teacher Assistance Team Results Form* was completed by the Principal, indicating that the GEI team discussed the Student's current educational problems. The following individuals attended the GEI meeting: the Teacher; the complainant, who is licensed in the areas of learning disabilities ("LD") and MiMH (the "Complainant"); the Mother; the Principal; a children's services representative; and the Title I teacher. The local superintendent of schools (the "Superintendent") reported that the Mother requested an educational evaluation for the Student at this time. A final note written by the Principal was added to this form and states "[Teacher] sees continual academic problems for [Student] and recommends an evaluation." The Principal's initials are next to this statement and it is dated "1/27/00." The local director of special education (the "Director") reported that the GEI team suspected that the Student had a MiMH.
4. The *Social and Developmental History* form indicates that it was completed through an interview between the children's services representative and the Mother on January 21, 2000. The completed *Social and Developmental History* form includes information pertaining to the Student's family, developmental history, presenting problems, medical history, behavior concerns, and an educational history.
5. A *Referral for Educational Evaluation/Placement Consideration* form was completed and signed by the Teacher and Principal on January 28, 2000. This form indicates the reason for the referral was due to academic problems and includes the Student's current levels of behavioral and educational performance.
6. The Mother signed a *Permission for Educational Screening/Evaluation/Placement Consideration* form on January 28, 2000. The permission form includes an explanation of the proposed assessment techniques and how they will be applied, and information regarding the conduct of the CCC meeting. The Mother was also given a copy of Notice of Parents Rights. Forty instructional days elapsed on March 24, 2000.
7. The School psychologist (the "Psychologist") completed the educational evaluation on February 22, 2000. The Psychologist administered a test to measure the Student's verbal, performance, and full-scale intelligence quotients (the "IQ Test"); an achievement test; a developmental test of visual-motor integration skills; and an adaptive behavior skills test.
8. The Complainant contends that during the evaluation process of the Student "no published tests were administered" by the teacher licensed in the areas of MiMH, moderate mental handicaps, LD, and emotional handicaps (the "Observing Teacher").
9. The Observing Teacher conducted an observation of the Student on March 7, 2000, and completed an *Educational Evaluation/Observation Report Form* with the results and recommendations of the observation. Number 1 on the form states "Formal tests administered, if any." There were no formal tests administered to the Student. The Observing Teacher wrote the following statement in the recommendation section of the form. "...I feel [Student] may benefit from placement in the MiMH

program.”

10. The multidisciplinary team members consisted of the Psychologist, the Teacher, the Observing Teacher, and the Mother.
11. The CCC met on April 12, 2000. The *CCC Report* consists of two pages, and the first page indicates the following individuals attended: the Mother; the Principal; the Teacher; the Complainant; the Psychologist; and the Title I teacher. The Observing Teacher did not attend the CCC meeting. The Complainant was signed in as the special education teacher, and also completed the *CCC Report*. The first page has checked that the Student is eligible for special education services under Article 7, and also has MiMH checked as the Student’s area of exceptionality. The second page contains a written opinion submitted by the Complainant that states “Pre-referral requirements not met.” The second page also contains the signatures of the Principal, the Mother, and the Complainant. There is no indication that the results of the multidisciplinary team evaluation was discussed during this CCC meeting as there is nothing else written on the second page of the *CCC Report*. The Superintendent reported that the CCC adjourned “in order to reschedule at a time to include the MiMD teacher who had done an observation feeling she would be an important participant.”
12. The CCC reconvened on May 24, 2000, and the following individuals attended: the Mother, the Principal, the Teacher, the Observing Teacher, the Complainant, and the Psychologist. The Student’s present levels of performance were discussed and the results of the recent multidisciplinary team evaluation. Long-term goals and short-term instructional objectives were written for the Student and the Mother gave written consent for the Student’s agreed-upon placement. Although the *CCC Report* from the April 12, 2000, CCC meeting indicates that the Student was found eligible for special education services in the area of MiMH during that meeting, the Superintendent reported, “This was the initial conference during which the student was found eligible for services.” The *CCC Report* includes another written opinion submitted by the Complainant that states “Pre-referral requirements not met. Tests, results may be invalid. Comprehensive testing requirement not met.”

#### **CONCLUSIONS:**

1. Although the Complainant contends that the Observing Teacher did not conduct any formal testing (Finding of Fact #8), Finding of Fact #9 indicates that the Observing Teacher was within the parameters of the multidisciplinary evaluation process by conducting a classroom observation and assessment of the Student’s academic strengths, weaknesses, and present levels of academic performance. Findings of Fact #4, #7, and #9 indicate that a comprehensive educational evaluation was conducted prior to determining the Student eligible for special education and related services as a student with a MiMH. No violation of 511 IAC 7-10-3(g) occurred.
2. Finding of Fact #11 indicates that the Observing Teacher did not attend the April 12, 2000, CCC meeting when the Student’s eligibility for special education was to be determined. However, Finding of Fact #3 indicates that the Complainant, who is licensed in the areas of MiMH and LD, and signed in as the special education teacher, attended the April 12, 2000, CCC. Finding of Fact #11 also indicates that the Psychologist attended the CCC meeting. No violation of 511 IAC 7-12-1(e)(2) and (7) occurred.
3. Finding of Fact #3 indicates that the GEI team suspected that the Student had a MiMH. Findings of Fact #4, #7, #9, #10, #11, and #12 indicate that all required evaluation components in the area of the Student’s suspected disability of MiMH were conducted. Further, the results of the required components were presented to the CCC when the Student was determined eligible for special

education services as a student with a MiMH. No violation of 511 IAC 7-11-7(b) and (d) occurred.

4. Findings of Fact #11 and #12 indicate that a written report of the results of the multidisciplinary evaluation team was not presented at the April 12, 2000, CCC meeting. However, when the CCC reconvened on May 24, 2000, all evaluation information with regard to determining a MiMH was presented. No violation of 511 IAC 7-11-7(e) occurred.
5. Findings of Fact #3, #4, #5, #6, #7, #9, #11, and #12 indicate that more than 40 instructional days passed from when the Mother gave written consent for the Student to be evaluated to the conduct of the educational evaluation and the CCC meeting. A violation of 511 IAC 7-10-3(e) occurred.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The DeKalb County Consolidated United School District and the Northeast Indiana Special Education Cooperative shall:

1. reconvene the Student's CCC by August 31, 2001, and discuss the need for compensatory services to be provided to the Student during the 2001-02 school year. A copy of the *CCC Report* indicating that compensatory services were discussed, and if agreed upon by the CCC, a description of how said services shall be provided to the Student, shall be submitted to the Division no later than September 14, 2001.

DATE REPORT COMPLETED: June 13, 2001